

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

THOMAS WILLIAM WALLER, JR.,

Plaintiff,

v.

RANJIT S. MANN, *et al.*,

Defendants.

NO. C17-1626RSL

ORDER REGARDING  
DEFENDANTS' MOTIONS IN  
LIMINE

This matter comes before the Court on "Defendants[]" Motions in Limine." Dkt. # 36.

Having reviewed the memoranda, declarations, and exhibits submitted by the parties, the Court finds as follows:

A. Agreed Motions in Limine

The parties agree that the evidence described in defendants' motions in limine Nos. 1-5 and 7-10 should be excluded from trial. It is so ORDERED.

B. Presence or Absence of a Party (Motion in Limine # 6)

Defendant Ranjit Mann is a Canadian citizen and defendant Manney Transport Ltd. is a Canadian company. Defendants seek an order prohibiting comments or argument regarding their presence in or absence from the courtroom during trial. Defendants' nationality will be discussed during voir dire, and the Court will proactively address the issue of party participation when the

ORDER REGARDING DEFENDANTS'  
MOTIONS IN LIMINE - 1

1 jury is chosen. The issue is otherwise irrelevant and will not be mentioned.

2 C. Conclusions of Law and Opinions Regarding Compliance with Law (Motion in Limine # 11)

3 Expert witnesses will generally not be permitted to opine regarding what the law is or  
4 whether certain conduct violated the law. Counsel shall formulate their questions accordingly,  
5 seeking to elicit testimony within the expert's area of expertise that may be helpful to the jury in  
6 applying the law as stated in the jury instructions to the facts as the jury finds them. Motion in  
7 limine # 11 is GRANTED.  
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9 D. Effect of Age on Plaintiff's Employment Prospects (Motion in Limine # 12)

10 A person's age is a factor that is often considered by vocational experts (and the Social  
11 Security Administration) when evaluating the likelihood of future employment and the types of  
12 jobs that are available. In addition, a person's age may be a confounding factor in an injury-  
13 causing event insofar as it can make a person more susceptible to injury and/or lengthen the  
14 recovery period. This matter is taken under advisement: testimony linking plaintiff's age to his  
15 future employment prospects/damages may be admissible if a proper foundation is laid.  
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17 E. Speculative Expert Opinions (Motion in Limine # 13)

18 Motions to exclude or limit expert testimony on the grounds that it is unreliable or  
19 unhelpful to the jury were due no later than the deadline for filing dispositive motions (LCR  
20 16(b)(4), which was February 5, 2019 (Dkt. # 23). Notwithstanding the untimeliness of this  
21 motion to exclude, experts will be required to testify on a more-probable-than-not basis:  
22 speculation is inadmissible. Motion in limine # 13 is DENIED without prejudice as untimely.  
23

24 F. Turning Radius of Trucks Other Than the One Involved (Motion in Limine # 14)

25 Plaintiff's accident reconstruction expert, David Wells, opines that "[f]ull size semi-  
26

1 trucks and trailers can make right turns into the driveway of 917 Central Ave S entirely from the  
2 curb (outside) lane.” Dkt. # 37 at 29. A central issue in this litigation, as recognized by Mr.  
3 Wells, is whether a following vehicle in plaintiff’s position would have or should have expected  
4 that the tractor-trailer in front of him was about to make a right turn from the left (inside) lane  
5 and acted accordingly. If the jury accepts Mr. Wells’ opinion as true - *i.e.*, if tractor trailers are  
6 generally capable of and regularly observed making 90° turns from the curbside lane - it would  
7 make plaintiff’s failure to predict the tractor-trailer’s change of lanes more reasonable. Motion in  
8 limine # 14 is DENIED.

10 G. Cumulative Medical Evidence (Motion in Limine # 15)

11 Defendant seeks to exclude some unknown number of treating physicians from testifying  
12 because their testimony may be duplicative of that offered by other treating physicians and/or  
13 plaintiff’s medical expert. This matter is taken under advisement.

15 H. Defendant’s Ethnicity (Motion in Limine # 16)

16 Defendant Mann’s ethnicity is not relevant to any claim or defense in this litigation.  
17 Motion in limine # 16 is therefore GRANTED. Mr. Mann’s proficiency in English and/or  
18 familiarity with the traffic rules of Washington may be relevant, but neither issue requires proof  
19 of ethnicity.

21 I. Fear of Tractor-Trailers (Motion in Limine # 17)

22 Plaintiff alleges that he suffers from nonphysical trauma due to the collision, including a  
23 heightened awareness or fear of tractor-trailers. Evidence related to plaintiff’s reaction to tractor-  
24 trailers other than the one involved in the collision is relevant to damages. Motion in limine # 17  
25 is DENIED.

1 J. End of Romantic Relationship (Motion in Limine # 18)

2 Plaintiff alleges that the collision caused his romantic relationship with Janine Welch to  
3 end. Defendants seek to prevent him from testifying as such, apparently on the grounds that  
4 there were other reasons the relationship ended and that the relationship was of such short  
5 duration that its loss was irrelevant. This disputed issue of fact is for the jury to decide. Motion  
6 in limine # 18 is DENIED.  
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9 For all of the foregoing reasons, defendants' motions in limine (Dkt. # 36) are  
10 GRANTED in part and DENIED in part.  
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14 Dated this 18th day of August, 2020.

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16 Robert S. Lasnik  
17 United States District Judge  
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